

Packers, Lucca, Italy, N. Y. U. S. A.”; and “Contadina Brand Oil Superior Quality \* \* \* A Compound Net Contents 1 Gal. \* \* \* Contadina Oil Co., N. Y.”

Misbranding of the articles was alleged in substance in the libels for the reason that the labels on each of the cans containing the said articles bore the following statements, respectively, “Net Contents 1 Gal.” and “Net Contents 1 Quart,” which statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 24, 1922, the Reliable Importing Co., New York, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10397. Misbranding of Dr. Weare's heave remedy and Dr. Weare's Cow-Health. U. S. \* \* \* v. 108 Packages of Dr. Weare's Heave Remedy, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15496, 15497. Inv. Nos. 29548, 29549, 29550. S. Nos. E-3615, E-3616.)

On November 4, 1921, and January 28, 1922, respectively, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 152 packages of Dr. Weare's heave remedy and 15 packages of Dr. Weare's Cow-Health, remaining in the original unbroken packages at Spartansburg and Corry, Pa., respectively, alleging that the articles had been shipped by the Dr. Weare Medicine Co., Fairport, N. Y., on or about July 20 and August 12, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the heave remedy consisted essentially of linseed meal, wheat middlings, charcoal, iron sulphate, alum, and small amounts of copper sulphate and arsenic trioxid; and that the Cow-Health consisted essentially of linseed meal, wheat middlings, corn gluten feed, charcoal, ginger, iron sulphate, magnesium sulphate, sulphur, and salt.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing in the labelings, regarding the curative and therapeutic effects of the respective articles, to wit, (heave remedy) “\* \* \* Heave Remedy For Heaves, \* \* \* Distemper, Epizootic, Worms, \* \* \* for Heaves \* \* \* Remedy for Chronic Cough, \* \* \* and Distemper \* \* \*,” (Cow-Health) “\* \* \* A Special Medicine For Cow Diseases. \* \* \* Cow-Health Is a Remedy for Abortion (Slinking), Barrenness \* \* \* Caked Bag \* \* \* and all diseases peculiar to the cow. \* \* \* To Prevent Abortion—In cases where the cow shows signs of immediate abortion, (generally about seven months) give two tablespoonfuls Cow-Health twice a day in warm mash until the danger is averted. In herds and localities where abortion is liable to occur through being epidemic, feed a heaped teaspoonful once a day for three months previous to the period when the abortion would be liable to occur. Barrenness—Give a tablespoonful twice a day for three weeks. If not effective, repeat. \* \* \* For scouring calves give a heaped teaspoonful as above. To Remove Retained Afterbirth—Give two tablespoonfuls in hot mash, night and morning, until removed. \* \* \* Cow-Health Is the result of many years of practical experimenting in the endeavor to find some specific which would prevent the losses to which profit in cows has always been liable. It contains powerful ingredients which have never before been used for the purpose; and to these discoveries is due the wonderful success of ‘Cow-Health.’ It acts directly and positively on the generative organs, \* \* \* For Abortion. For Barrenness \* \* \*,” were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On March 7, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*